THE SEPARATE SCHOOLS.

THE

NO-POPERY CRY.

PROTESTANTISM NOT IN DANGER.

MEMORANDUM BY THE HON. OLIVER MOWAT, PREMIER OF ONTARIO,

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MEMORANDUM BY THE PREMIER OF ONTARIO.

Up to the present time almost the whole effort of the opponents of the Ontario Government has been to raise against us the absurd cry of "Protestantism in danger—No Popery."

The great majority of our friends in every part of the Province know that this cry is not an honest cry on the part of those political opponents who first raised it; they know that Protestantism is not in danger; they know that our opponents who raised the cry care nothing about the legislation or the administrative acts which they pretend to condemn; they know that at the last general election (1883) our opponents endeavoured to get Roman Catholic votes by persuading Roman Catholics that we were unjust to them; they know that the sole object of the present cry is to entrap Reformers into withholding their support from Reform candidates, and they knew that after accomplishing that object the No Popery politicians would be quite content that Popery should have its full swing. In most constituencies I cannot learn that any Reformer, or any friend of the present Ontario Government, has been entrapped; but as there seem to be a few whom the cry has deceived, and as the cry may deceive others before the elections come on, it becomes a duty to take whatever means may be convenient to bring before the public the actual facts. I did this to a certain extent in my open letter to Mr. Milligan. I purpose in this supplementary memorandum to deal with matters dwelt upon by our assailants since.

THE PREMIER'S PROTESTANT PRINCIPLES.

For myself, I have been well known all my life as no indifferent Protestant. I have as strong a preference for Protestant principles as anyone has. I have as strong a desire for the spread of Protestantism as anyone has. As a Protestant, I should resist Roman Catholic domination over myself, or over the Government, or over the Province, as resolutely as any Protestant clergyman or layman in the land could desire; and I have endeavoured to carry into public life what I understand to be the essential principles of sound Protestantism. But I would not be fit for my official position if I did not feel and know that a man may be a true Protestant without hating or ostracising Roman Catholics; that he may be a true Protestant without losing his head whenever he saw a Roman Catholic bishop or priest, or whenever a

Roman Catholic made a suggestion respecting school matters. I am bound to give, and, let me add, I do habitually give, respectful attention and all needed consideration to every suggestion or request respectfully made from any respectable quarter, Conservative or Liberal, poor or rich, unlearned or learned, Roman Catholic or Protestant; and I gladly give effect when I can to all suggestions, come from what quarter they may, which seem to me reasonable, or good, and in the public interest. With respect to Roman Catholics, I have endeavoured to show to our mixed community that an earnest, fair-minded Protestant Premier may be true to his Protestantism, and yet be entitled to the reasonable confidence of thinking Roman Catholics.

SEPARATE SCHOOLS—THEIR ORIGIN.

The chief attack which is made upon us in order to obtain credence for the cry of No Popery relates to a few amendments made some years ago with the approval of all parties in the legislation respecting Separate Schools. The existence of these schools is objected to in some of the recent attacks, as if the present Ontario Government had created them; and provisions of law enacted before Confederation, and now beyond Provincial authority, are referred to as illustrating the influence over us of the Church of Rome. I have no responsibility for the existence of Separate Schools, and none for any part of the law relating to them as it stood at the time of passing the B. N. A. Act. I should always have preferred to see the children of Protestants and Roman Catholics educated together in the Public Schools; but the contest which for many years the late Honourable George Brown waged with great vigour, and with the aid of both Reformers and Conservatives, to bring about that happy state of things, was unsuccessful; and in 1863 a new Separate School Bill was passed by the Parliament of Canada in spite of all opposition. The provisions of that Bill were objectionable to those who hoped for the abolition of Separate Schools, though reasonable enough if Separate Schools were to continue. Mr. Brown used to consider, in the light of then passing events, that there was peril from Roman Catholic encroachments, in view of the comparative numbers of Roman Catholics and Protestants in the Province of Canada, and of the union among Roman Catholics; it may be remembered that by the last census taken before Confederation, the Province of Canada had a population of 1,200,865 Roman Catholics, all other creeds together numbering but little more, viz.: 1,305,890; but Mr. Brown was of opinion that the peril would be removed in Ontario under a constitutional system which should assign educational matters to a Local Legislature, subject to such conditions and restrictions as would secure for the future to the Protestants of Quebec and the Roman Catholics of Ontario the rights and privileges which their schools then by law possessed. As bearing on this point I may mention that in 1861, when the last census before Confederation was taken, the Roman Catholic population of Upper Canada was but 258,141, while the whole population was 1,396,091; and that by the census of 1881 the disparity was still greater, the Roman Catholics being only 320,839, and the whole population 1,923,228.

ECCLESIASTICAL ZEAL.

The superior zeal of the Roman Catholic clergy on behalf of their Church has been asserted, as an element of great importance in dealing with this subject; but I venture to say that our Protestant clergy of all denominations are quite as zealous for their faith as the Roman Catholic clergy are for theirs, and that the attachment of the Protestant laity to their respective Churches, and to Protestantism in general, is quite as great as the attachment of the Roman Catholic laity to their Church.

NO DANGER IN ONTARIO.

As a Protestant, I have never since Confederation been apprehensive of unjust encroachment in Ontario on the institutions which have the support of Protestants. Compare the relative position of Protestants and Roman Catholics. We have more than five times the population; we have considerably more than five times the aggregate wealth; more than five times the number of members in the Legislature; more than five times the number of municipal councillors in the Province; more than five times the number of resident Provincial and Dominion officers; more than five times the number of Public School teachers; more than five times the lawyers, doctors, and other professional men; more than five times the judges and magistrates; more than five times the students and pupils in attendance at the schools and colleges of the country; and more than five times the number of clergymen. I have said more than five times in regard to all these particulars, but as regards some of them the proportion is ten or twenty times rather than five. If, with all these and other advantages, anyone can think that Protestantism is in serious danger from the influence of Roman Catholics over a Government which has a Protestant Premier and five members who are Protestants, with but one member who is a Catholic, and over a Legislature only nine members of which are Roman Catholics, the alarmist must regard Protestantism as a much weaker faith than it has hitherto shown itself to be in the history of the world. A cry that Protestantism is in danger in Ontario seems to me an insult to Protestantism on the part of those who have raised the cry without believing in it, and is (I venture to say) a mistake on the part of any good men who may be disposed to join in the cry.

SEPARATE SCHOOL AMENDMENTS.

The amendments which we have made to the Separate School law, and which are now objected to, are not numerous. All were thought to be reasonable, and "requisite" for carrying out the spirit and intention of the law which the B. N. A. Act had made part of our Constitution. All were treated in the House as involving no question or doubt. The Hamilton *Spectator* confesses that "probably no great harm will come from any one of the extraordinary powers granted to Catholics in school matters." I deny that any "extraordinary powers" have been granted to Roman Catholics in school matters, or any others; but the admission that no great harm will come from the changes which have

been made, is an answer to the whole cry. Other journalists, and perhaps the Hamilton paper at other times, have designated the legislative amendments which we have sanctioned as most extraordinary amendments, and as very remarkable amendments. I deny that they have been either extraordinary or remarkable. If they had been, it would not have taken so many years to make the discovery. I assert that they were all just and reasonable amendments. As they were thought to be so by everybody who gave them attention when they were before the Legislature, so they will now appear when examined with common candour and judgment. I shall show this to be so.

THE B. N. A. ACT.

It is necessary to bear in mind our precise position under the British North America Act in reference to Separate Schools. (1) A Provincial Legislature has no power to pass a law which "shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the Union"; and, moreover, (2) these schools, both in Ontario and Quebec, have a right under the constitution to all legislation "requisite for the due execution" of the provisions of the Act. This right is manifested and protected by the enactment, that the Dominion Parliament may "make remedial laws" for the due execution of the provisions mentioned "in case any such Provincial law as from time to time seems to the Governor-General in Council requisite" for such due execution is not made by the Provincial Legislature. It is not in the interest of this Province, nor of the Protestants of this Province, to give any occasion for resorting to the Dominion Government or Dominion Parliament under this authority; it is, on the contrary, the part of wisdom for the Provincial Legislature itself to make from time to time such reasonable amendments of the Separate School Law as may "seem requisite;" and, independently of the constitutional obligation, it is for the common interest that, since we must have Separate Schools, the machinery should be provided for making them efficient, and enabling them to give a good education, at the expense of those who support them. Mr. Meredith, in his recent address to his constituents, has felt obliged to use the following language: "The maintenance of the Separate School system of the Province is guaranteed to our Roman Catholic fellow-citizens under the Constitution. Some may regret that the necessity for its introduction existed, but it is nevertheless the duty of the Government honestly to administer it, and make it as efficient as possible, to the end that it may properly perform the functions for which it was designed."

There may from time to time be an honest difference of opinion as to what amendments are requisite or reasonable, but Protestants in Ontario are strong enough to deal with the matter justly and without prejudice. As long as no amendments are made except such as nobody thinks unreasonable at the time they are submitted, they may fairly be regarded as free from danger; and if amendments so made are not objected to for years afterwards, nor until the party objecting is in ex-

tremities, the intelligent public will not recognize in such amendments much subserviency to Roman Catholic influence.

NO ROMAN CATHOLIC INFLUENCE.

To give force to my inferences which are drawn from these amendments, the rôle of our assailants is, to speak of every legislative amendment, and every administrative act, as dictated by ecclesiastical authority, as forced upon us by the demands of the Romish hierarchy, and as resulting from the control of the Archbishop over the Government. But that way of speaking is folly. There has been no dictation, no force, no demand, no control. There has been respectful suggestion only, such as is, from time to time, made to us from other quarters with respect to other laws. Those who desired the amendments knew that they had to satisfy the five Protestant members of the Government, as well as the sixth member, who is a Roman Catholic, that the amendments were reasonable; and we had further to satisfy ourselves, as also they well knew, that the Protestants in the Assembly, and throughout the Province, would regard the amendments as reasonable and proper. As respects all our amendments, and as respects the acts of administration, of which I am about to say something, I do not remember to have had any communication whatever, written or verbal, with or from any Roman Catholic ecclesiastic, or with or from any one speaking, or professing to speak, on behalf of any Roman Catholic ecclesiastic, or on behalf of the Roman Catholic Church; nor (I am sure) had any of my Protestant Colleagues, except, it may be, the Minister of Education for the time being. With respect to all our amendments and acts of administration, we were free to come to any conclusion which might seem to us right. We had no threat, and no promise, from any quarter, to affect our judgment or our action. The educational matters were first considered by the Minister of Education, and were afterwards by him brought before the Council; and whatever was thereupon done, was so done because, on consideration and inquiry, it seemed right, and such as the Protestant sentiment of the country would concur in.

THE AMENDMENTS WERE APPROVED.

That we were correct in our interpretation of this sentiment is manifest from the fact of not one of the amendments having been opposed in the House or in the country at the time. The Opposition have always had for leader an astute politician and lawyer; and he always had a following of lawyers, and of members familiar with school and municipal matters; they included Orangemen and other Protestants, and some Roman Catholics; but not one of them all saw in any of the legislation the frightful things which some of those who now write and speak in their interest pretend to find. On our side of the House we had more lawyers and still abler lawyers, more municipal men, and more Protestants, as well as some Roman Catholics; and all these, like ourselves and the Opposition and the country, saw nothing objectionable in what was proposed for Legislative action. The single fact that most of the enactments now objected to were

passed many years ago, and were never objected to until now, must make plain to most men that the present cry is a pretence and without any justification.

We are said to be in alliance with the Archbishop or with the Romish Church in Ontario. If this means that there is some compact or bargain between us, the statement is false. If the meaning is merely, that the Archbishop and some other of the Catholic clergy prefer the Liberal party to the Conservative in Ontario, and favour us so far as they favour any political party, I am glad to believe that the statement is true. That is the sort of alliance which we have with all our supporters; and the more numerous these are (we allow ourselves to think) the better for the country. The Conservative party has long had the support of a majority of the Roman Catholics, both in Ontario and Quebec, whilst the Liberal party has always had the support of a Roman Catholic minority in both Provinces. If, gradually, from the misconduct of the Dominion Government, which has shocked many of their old supporters, Protestants as well as Roman Catholics, and from the character for good government which the Provincial Administration has acquired for itself, or from any cause satisfactory to themselves, the majority of Roman Catholics are now on the Liberal side, and a minority only on the side of the Conservatives, it is as ungrateful as it is absurd for Conservatives to raise on that account the cry of "No Popery" against their old associates. All friends of honesty must hope that the ungrateful and deceitful invention shall do the inventors no good.

QUALIFICATIONS OF TEACHERS.

Several of the provisions of law which are brought forward as evidence of our subserviency to Roman Catholic influence were enacted in the old Province of Canada. Thus, it is said, that we permit Separate School teachers to be employed who do not pass the examinations required in the case of Public School teachers. The "law in the Province at the Union" was contained in the Act passed in 1863, c. 5, s. 13, and the Consolidated Statute of Lower Canada, c. 15, s. 110, No. 10. The former enactment is as follows:—

"The teachers of Separate Schools under this Act shall be subject to the same examinations, and receive their certificates of qualifications, in the same manner as Common School teachers generally; provided that persons qualified by law as teachers, either in Upper or Lower Canada, shall be considered qualified teachers for the purposes of this Act."

The other enactment shows what persons were qualified at the Union:—"Every priest, minister, ecclesiastic, or person forming part of a religious community instituted for educational purposes, and every person of the female sex, being a member of any religious community, shall be in every case exempt from undergoing an examination before any of the said Boards."

Now let it be remembered, that we have no power to pass any "law which shall prejudicially affect any right or privilege with respect to

denominational schools which any class of persons had by law at the time of the union," and that it has not hitherto been suggested that we had the power to take away from Separate Schools the "right or privilege" of employing as teachers the persons thus enumerated, or to take away from these persons the "right or privilege" of being teachers in Separate Schools without prior examination. The enactment in the Consolidated Act of 1886 was therefore as follows:—

"62.—The teachers of any Separate School under this Act shall be subject to the same examinations, and receive their certificates of qualification in the same manner as Public School teachers generally;" provided that "the persons qualified by law as teachers, either in the Province of Ontario, or, at the time of the passing of the British North America Act (1867), in the Province of Quebec, shall be considered qualified teachers for the purpose of this Act."

It is thus not true, as a general proposition, that teachers of Separate Schools are not subject to examination like the teachers in Public Schools. The exemption from examination applies to certain excepted persons only, who occupy positions which were supposed to imply the possession of the qualifications needed; and the exception was made before Confederation. So much for this illustration of the dangerous influence of the Roman Catholic hierarchy with the present Ontario Government.

EXEMPTION FROM PUBLIC SCHOOL RATES.

The following is another provision of the old law for which we are not responsible, but which in some of the recent attacks upon us is called "new law," and is referred to as illustrating the Romish influence to which we are falsely said to be subject. The enactment is to be found in the Canada Statute of 1863, c. 5, s. 14, already mentioned; and section 41 in the Consolidated Act of 1886 is taken from it:

"Every person paying rates, whether as a proprietor or tenant, who, by himself or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic, and supporter of a Separate School situated in the said municipality, or in a municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of Common Schools and of Common School libraries, or for the purchase of land or erection of buildings for Common School purposes within the city, town, incorporated village, or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of a Separate School, and such notice shall not be required to be renewed annually; [and it shall be the duty of the trustees of every Separate School to transmit to the clerk of the municipality or clerks of municipalities (as the case may be) on or before the first day in June in each year, a correct list of the names and residences of all persons supporting the Separate Schools under their management, and every ratepayer whose name shall not appear on such list shall be rated for the support of Common Schools]."

The clause in brackets was necessary when Separate Schools were

supported by fees and other contributions, but became inapplicable and of no possible use after these schools got their support, like the Public Schools, from school rates; and the clause was therefore not repeated in the Act of 1886.

The practical working of the section in the Act of 1863 was this:—After the assessment rolls had been revised and corrected for all other purposes, the clerk, in order to make out the roll for the collectors, had to examine one by one all the notices received from Roman Catholics; these, as in the case of Toronto, might embrace many thousand names; he had then to compare these with the trustees' list, in order to ascertain that all who had given the notice were supporting the Separate Schools; and after ascertaining these facts he had to make upon the roll the necessary entries with reference to all entitled to exemption. The clerk's duty was thus a tedious one, and probably was never performed without mistakes. He might, by mistake, enter Protestants as supporters of Separate Schools; he might leave some Separate School supporters to be treated as supporting Public Schools; and some of the notices he received might on various grounds be wrong. But the law made no provision for correcting errors, whether of the clerk or in the notices. This was contrary to the analogy of all other cases; and the defect was corrected as far as seemed practicable by two Acts—one passed in 1877, and the other in 1879, under the advice of the late Minister of Education, the Honorable Mr. Crooks. These Acts substituted the assessor for the clerk, and gave the right of appeal to the Court of Revision and County Judge.

AMENDMENT OF 1877.

Under the Act of 1877 (s. 13) the assessor was required to distinguish between Protestants and Roman Catholics, and whether supporters of Public or Separate Schools, and to insert these particulars in the assessment roll. In carrying out this amendment the assessor was left to find out the facts as well as he could, and by any means with which he chose to be satisfied. As a matter of fact, in almost every case where Separate Schools were established, all Roman Catholics were, or desired to be, supporters of the Separate Schools; and the assessor might, therefore, in the exercise of his discretion, not unreasonably assume that to be so in regard to every Roman Catholic ratepayer. There was an obvious difficulty in doing more; for, by the law as it stood at Confederation, a Roman Catholic had until the 1st March to give notice of his being a Separate School supporter, and the Board of Separate School Trustees had until the 1st June to transmit the list of Separate School supporters to the clerk. Thus, until after the 1st June it was not known, as to any Roman Catholic, whether he was a supporter of the Separate Schools or not, while the assessor had to complete his roll by the 1st of May. It was to meet this obvious defect that the enactment of 1879 was introduced.

AMENDMENT OF 1879.

If the enactment of that year sanctioned the *prima facie* presumption, for the assessor's purpose, that every Roman Catholic was a sup-

porter of Separate Schools and desired exemption from Public School rates, it did not make the presumption conclusive : it was a presumption in accordance with the general fact ; it was a presumption which assessors had already felt compelled in practice to make under the Act of 1877 ; and it was subject to correction at the instance, not merely of the ratepayer himself, *but of any other ratepayer*. The course sanctioned by this enactment seemed at the time the only practicable course ; and up to this moment I am not aware that political ingenuity or party despair has suggested any better course, as the law then stood. In a memorandum by the then Minister of Education, Mr. Crooks, he thus explained the purpose of the enactment :—

"There has been no change in the principle on which Separate Schools are based, namely, the permission or option which each Roman Catholic has to become a supporter of a Separate School or not. His being a Catholic is merely *prima facie* evidence on which the assessor could place his name among the supporters of the Separate School ; but he cannot do so if the Roman Catholic ratepayer instructs him to the contrary ; and in that case, not being a supporter of a Separate School, he would be liable to Public School rates and entitled to send his children to the Public School. The law permits each Roman Catholic ratepayer his individual option in supporting the Separate School, and provides the proper machinery for having this so settled that he must pay a school rate for one or the other."

TEXT OF AMENDMENTS OF 1877 AND 1879.

It may be convenient to give here the language of the two enactments for more easy reference and comparison :—

By the Act of 1877 (s. 13) Municipal Councils were required "to cause the assessor of the township, in preparing the annual assessment roll of the township, and setting down therein the school section of the person taxable, to distinguish between Public or Separate (Schools), and in setting down therein his religion, to distinguish between Protestant and Roman Catholic, and whether supporters of Public or Separate Schools ; and the assessor shall, accordingly, insert such particulars in respective columns of the assessment roll prescribed by law for the school section and religion respectively of the person taxable."

COURT OF REVISION.

And it was enacted further, that "the Court of Revision shall try and determine all complaints in regard to persons *in these particulars alleged to be wrongfully placed upon or omitted from the roll* (as the case may be), and any person so complaining, or *any elector of the municipality*, may give notice in writing to the clerk of the municipality of such cor plaint, and the provisions of 'The Assessment Act of 1869' in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act."

It has been said that this enactment did not give authority to the Court to correct errors in distinguishing between supporters of Public

or Separate Schools, but only to determine whether persons were wrongfully placed upon or omitted from the roll. But it is quite clear that this is not so, and that complaint can be made in regard to any "particulars alleged to be wrongfully placed upon or omitted from the roll." The express object was to give that power to the Court of Revision.

The supplementary enactment in 1879 (s. 26) was in these words:—

"(3) The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for Separate School supporters; or if the assessor knows personally any ratepayer to be a Roman Catholic, this shall also be sufficient for placing him in such last mentioned column."

AMENDMENT OF 1879.

The enactment of 1879 is the one which our No-Popery assailants evidently regard as the most useful for their political purpose; yet these same assailants were dumb when the Bill was before the House, and dumb for seven years afterwards. They did not think the clause objectionable before it was passed; there have been two hotly contested general elections since, and we heard not a word against this frightful provision at either election. There have been seven sessions of the Legislature since the passing of the Act; and at not one of them was there a petition from any one against the change. Neither was there a public movement against it in any form or from any quarter, nor was any private intimation made to us that the enactment was objectionable. Will any one doubt that our assailants have now been making a mountain out of a mole-hill, in order to excite for their own political advantage the Protestant feelings of the unweary?

One pretended objection which the No Popery journals make is, that the change which the amendment made is against the interest and wishes of the Roman Catholic laity, and particularly of Roman Catholic parents. If this is so, some of these Roman Catholics might be expected to tell us so by a private communication, if not by a public memorial. But no Roman Catholic so far has made any complaint, unless I am to take the *Mail's* editorials as showing that one Roman Catholic layman objects, though he too, a gentleman of great ability, was silent about it for seven years.

It is said that if any Roman Catholic ratepayer does not wish his rates to go to a Separate School, he might refuse to give the preliminary notice, but could not face collision with ecclesiastical authority by objecting afterwards. This distinction must be fanciful. If there is an ecclesiastical influence which a Roman Catholic ratepayer could not resist in order to have the roll corrected, it is obvious that neither could he refuse, in the face of that influence, to give the necessary preliminary notice, or to authorize some one to give it for him. By the law enacted before Confederation, notice might be given either by the ratepayer himself or by "his agent," and no writing was required, no witness, no proof of the agency. No one

suggested any distinction between the possible influence in the one case, and the possible influence in the other until recently, when it was first suggested on the part of a discredited party, for whose benefit this bit of theological criticism was devised, under the hope of deceiving and misleading here and there some honest and unsuspecting Protestant.

But the ludicrous absurdity of the objection is, that the preliminary notice has not been dispensed with. On the contrary, it is expressly continued by the 41st section of the Act of last session, the section which gives Roman Catholics exemption from school rates; and any Protestant or other ratepayer of the municipality may object to the exemption before the Court of Revision, on the ground that the necessary preliminary notice was not given; and he may do so without the consent, and even contrary to the wish, of the ratepayer whose case is in question. Could anything show more clearly the mortal weakness of our assailants than the necessity of setting up so idle a criticism?

I have occasionally heard of a Roman Catholic expressing his regret that there were Separate Schools; but, from what I have heard from Roman Catholic parents and other laymen, I should say that, where these schools are established, their wish is to have them as efficient as possible, and to have whatever legislation is needed to make them so.

ASSESSORS' MISTAKES.

It appears that mistakes are sometimes made by an assessor marking a Protestant as a supporter of a Separate School; but it is a fact to be noted that all assessors whose mistakes of this kind have come to light were Protestants. Assessors make other mistakes, but all their mistakes can be corrected; while the clerk, in whose hands the matter lay before our amendments, was liable to make like mistakes, and when he made them there was no provision for their correction.

AMENDMENT OF 1881—LANDLORD AND TENANT.

The next enactment now objected to was passed in 1881. The occasion for it was this. The law, as it stood at the time of Confederation, enabled a Roman Catholic proprietor or tenant to become exempt from Public School rates, but omitted to provide what the rule was to be in case of the landlord and tenant of a property not being of the same creed; and this point was in more or less doubt. By law property is for general purposes assessable, and assessed against both the landlord and the tenant. As between the landlord and his tenant, the law makes the latter the party primarily liable for all taxes, in the absence of any agreement between them to the contrary; where the landlord undertakes to pay the taxes, the tenant pays so much more rent; and thus, in all cases, either by express law or in fact, the tenant pays the taxes. It was therefore considered that where the tenant and landlord are not of the same faith it should be for the tenant to determine whether the rates should go to the Public Schools or Separate Schools.

Then came a second question, for which it was thought that there should be legal provision. A landlord may be compelled to pay the

rates of a defaulting tenant; and the landlord may be a Protestant, while the defaulting tenant is a Roman Catholic, or *vice versa*. To meet such cases it was therefore enacted that, "as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same the owner is compelled to pay any such school rate, he may direct the same to be applied to either Public or Separate School purposes;" thus plainly putting on precisely the same footing Protestant landlords and Roman Catholic landlords who had given the necessary notice.

The whole clause, as passed in 1881, is as follows:—

10. "To remove doubts it is hereby declared that in any case when, under the eighteenth section of the Assessment Act, land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates, and for determining whether such rates shall be applied to Public or Separate School purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or affect this provision otherwise; and in any case where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same the owner is compelled to pay any such school rate, he may direct the same to be applied to either Public or Separate School purposes."

THE REV. DR. LAING.

I observe that the Rev. Dr. Laing, of Dundas, has a letter in to-day's *Mail* in which he places a curious construction on the section. He says that "a Protestant tenant may agree with the owner that his taxes shall go to Separate Schools, although a Roman Catholic may not agree that his taxes shall go to Public Schools." But this is not so. The taxes payable by a Protestant tenant go as a matter of course to the Public Schools, and the taxes of the Roman Catholic tenant who has not given the preliminary notice are also to go to the Public Schools. Dr. Laing says:—"That is, the Protestant tenant's taxes do not go *prima facie* to Public Schools; for with his consent the assessor may put down the Protestant tenant as a supporter of Separate Schools, while the assessor cannot thus set down the Roman Catholic tenant for Public Schools." But all this is wrong. A Protestant tenant's rates do go *prima facie* to Public Schools, and the only case in which they may not go is where he was to pay them and does not, and the Roman Catholic landlord has in consequence to pay them. The assessor cannot without violation of duty put down a Protestant tenant as a supporter of Separate Schools; and is at perfect liberty to put down the Roman Catholic tenant for Public Schools if the latter wishes, as Mr. Crooks pointed out in his memorandum which I have quoted. Dr. Laing adds, "Thus Roman Catholicism is protected, but Protestantism is not, against agreements between owner and tenant. The arrangement is evidently unique." I apprehend that it is my reverend friend's interpretation which is unique. He admits in regard to his adverse interpretation of

the law on certain points that it "clashes with the Public School law and cannot be maintained." If he had been as good a lawyer as he is a divine he would have known that an interpretation which "clashes with the Public School law and cannot be maintained," is by this very statement a false interpretation, and not to be entertained. He frankly says, "I admit that it clashes, and therefore say that clause 41 should be repealed." Now, I must really decline to repeal clause 41, even though the repeal is necessary to make Dr. Laing's interpretation good law. The Legislature thought fit in consolidating the Separate School law last session to retain section 41, and the consolidated Act must, according to settled principles of legal interpretation, be interpreted in the light and with the assistance of that section. It is a principle of legal interpretation, as well as common sense, that all the parts of a statute must be read together, and such a construction adopted as may give effect, as far as possible, to every provision.

I may add that it is only within the last few weeks that I have heard of a different construction being put upon the various enactments referred to than that which I have shown to be proper, and which was what was intended. If the new construction were correct in point of law, the fact would be another illustration, not certainly of Romish influence, but of the impossibility of avoiding mistakes and oversights, even with the aid of a hundred advisers.

A small objection to this provision has recently been discovered in Hamilton, of which I am told that the No Popery men are making what political use they can there. The rates for Public Schools and Separate Schools may differ, though I believe they are generally the same; the case of Hamilton is exceptional, and the rate there for Separate Schools is at present, for temporary reasons, twice as large as the rate for Public Schools. The exceptional case of the rates being different did not occur to the framer of the clause, or to any one in the House when the Act was passed in 1881, or when the Consolidated Act was passed in 1886, and was, therefore, not provided for; and the consequence is that if a Protestant landlord has to pay the rates for his defaulting Roman Catholic tenant, his money goes to the Public Schools, but the amount he has to pay in Hamilton is greater than the Public School rate. It has taken more than five years to develop this defect. If in any one of the last five sessions any one had thought of it and called my attention to it, the defect would have been corrected.

So much for the enactment as it stands in the Act of 1881. It is copied into the Consolidated Act of 1886 in the same words (section 52); and its effect there I shall show later on.

AMENDMENT OF 1884—POWERS OF MUNICIPAL COUNCILS.

The next pretended objection is to a provision adopted in 1884, in order to save trouble to municipal councils and municipal officers. By the enactment referred to, power is given to the council of any municipality, where the Public and Separate School rates are the same for any year, to agree (if they please) with the Separate School trustees to pay to the latter a fixed proportion of the total amount collected for the year

for school purposes, instead of the amount, be it more or less, which on an account being taken might be found to have been actually collected for Separate Schools. What such proportion should be may be calculated to a cent, assuming that all school rates will be paid. The Conservative journals profess to be afraid that the municipal councils will abuse this power, to the advantage of Roman Catholics. This pretence is idle. Wherever there are Roman Catholic Separate Schools the Protestants form a majority in the population, and a majority in the municipal council. The power to agree has never been abused, and I have no fear that it will be. Conservative journals should not be so distrustful of the Protestant municipal councils of the country.

1885—HIGH SCHOOL TRUSTEE.

Again ; exception is taken to a power given in 1885 to the trustees of Separate Schools, to appoint a trustee to the High School Board. This was done in order to interest Roman Catholics in the High Schools, and to induce more of them to send their children to these schools. The Board of High School Trustees consists, ordinarily, of six trustees, who are appointed by the Municipal Councils, and all are usually Protestants. There is no diversity in the views of Protestant denominations with regard to educational matters in this Province ; but there is, unfortunately, great difference between the Church of Rome and the Protestant Churches. Hence we have Roman Catholic Separate Schools, but no Protestant Separate Schools, unless it be in localities where the teacher of the Puplic School is a Roman Catholic, and where the Roman Catholics, being in the majority, control the Public School. The Roman Catholics have no High Schools, and it was hoped that they might be induced to take an interest in them if, in localities where there are Separate Schools, the Separate School trustees had a direct representative on the Board of the High School ; and, on the other hand, it was thought that no harm to the public interest, or to Protestantism, could arise from the addition of a seventh member to the Board in such cases. The Hamilton *Spectator*, in an article already quoted from, has this admission in reference to the enactment :—" We do not see that any great harm can result from this arrangement. The law has not been taken advantage of in every locality where there is a Separate School, and it has not, I believe, been taken advantage of in any locality in which one of the six trustees was a Roman Catholic, nor has any practical harm resulted from the enactment in any instance.

Little objection was made to this amendment at the time of its passing ; there has been a session of the Legislature since, without any petition against it, or any letter, or other communication of that character, from any quarter. The objection is only thought serious when the manufacture of political capital has become a necessity to the opponents of the Government.

CONSOLIDATED ACT, 1886.

The Act of 1886 was an Act which consolidated all the enactments n force respecting Separate Schools, including those which had been

passed before Confederation, and made a few amendments. This Bill also passed without objection. It does not appear to have hitherto occurred to any one that capital may be made out of any of the new amendments which this Act made; but an argument has been put forth with great emphasis, founded apparently on the intended effect of transferring to the Consolidated Act two sections in the old law, one from the law before Confederation, being section 41 in the Consolidated Act, and the other from the Act of 1881, being section 52 of the Consolidated Act. One or other of these sections has, indeed, been spoken of as new law, though the one was more than twenty years old, and the other was passed five years ago. I have remarked upon the object and meaning of these provisions of law as they stood at the time of being passed. There is nothing in the Consolidated Act which indicates an intention to place them on a different footing. The old enactments being merely copied into the new Act, they will be construed by the courts in the same way.

Even if they had appeared in the Consolidated Act for the first time their effect would have been the same. The section which provides for the notice in order to exemption from the payment of Public School rates would be held, on well settled principles of legal interpretation, not to apply to cases provided for by the subsequent section, namely, where the property was in possession of a tenant of a different creed from his landlord. The 52nd section in such a case expressly provides that if by default of the tenant or occupant to pay the taxes, the owner who is compelled to pay the same shall determine whether they shall be paid for Public or Separate School purposes.

If it had occurred to anybody while the Consolidated Act was passing through the House that there could be a doubt as to this being the effect of the two clauses as they stand, the doubt could easily have been removed, and would have been removed, by the addition of three or four words. But there was really no ground for such a doubt, and nobody suggested it; a different construction is only insisted upon now in order to afford an apparent ground for a political cry.

BIBLES IN SCHOOLS.

It is further stated, and with great emphasis of assertion, that through Roman Catholic influence we have excluded the Bible from the schools, and have substituted for it extracts prepared under the influence of the Romish Church. But this whole story is a misrepresentation. The fact is, that from the time I came into office there was no movement whatever on the part of the Archbishop to change the regulations which had previously existed respecting the Bible in the schools. What has been done has been done at the instance of the Protestant Churches and them only, and to carry out so far what they were understood to desire. On this point I need do no more than refer to the speech of the Minister of Education at his nomination on the 11th October last, and to the recently published letters of the Rev. Dr. Dewart and the Rev. Principal Caven. The Archbishop had nothing whatever to do with the preparation of the extracts, and I am informed that,

without any design, the proofs were sent to most of the Protestant clergymen 24 hours before they were sent to the Archbishop.

MARMION AND COLLIER'S HISTORY.

Other pretended examples of undue influence of the Church of Rome are the permission given in 1882 to pupils to be examined in Goldsmith's "Traveller," instead of Sir Walter Scott's "Marmion," for High School examinations, and the adoption of another English history for Collier's, in consequence of these two books containing matter offensive to Roman Catholics. If the representation made to the Minister of Education about "Marmion" was an "interference" on the part of the Romish clergy with the Public Schools, it is the only case of such "interference" since there has been a Minister of Education. As regards Collier's History, a committee was appointed by the old Council of Public Instruction to strike out offensive passages, the committee consisting of Mr. Goldwin Smith and the Archbishop. I am informed that they made some progress in this work, but the Council came to an end before their work was completed.

REV. DR. RYERSON'S RULE.

The deference shown to Roman Catholic feelings in regard to "Collier's History" and "Marmion" is spoken of as if such deference were a new thing in regard to the text-books used in the schools of the Province; the fact is that such had always been the rule before Confederation and since. It had always been thought to be, on the whole, in the general interest to leave the facts which bear on the differences between Protestants and Roman Catholics to be communicated elsewhere than in the Public Schools. This was the policy pursued by Rev. Dr. Ryerson during the many years that he was Superintendent of Education, and the object was secured in his time by the rule of requiring for all text books the approval of the Council of Public Instruction. Dr. Power, the first Roman Catholic Bishop of Toronto, was the first Chairman of that Council, having been appointed in 1846. His successor, Bishop Charbonnel, was a member of the Council from 1850 to 1862; and Archbishop Lynch was a member from that time until 1875, and took an active part at all its meetings. The Council was discontinued by the Act, passed 10th February, 1876, which provided for a Minister of Education; and a committee of the Executive Council was by the same Act substituted for the Council of Public Instruction. The connection of the Roman Catholic hierarchy with our Public Schools was, therefore, put an end to by the present Government ten years ago, and has not existed since that time.

In Dr. Ryerson's report for 1864 he referred to the fact of the series of Irish National text books having been "revised by members, Protestant and Roman Catholic, of the National Board of Education, and every sentence omitted to which any member of the Board objected," as one of the special reasons for the adoption of the series in this Province. In the proceedings of the Council, 19th May, 1875, the last year of Dr. Ryerson's superintendency, I find a minute of Council on the same sub-

ject, signed by the late Rev. Dean Grasett as chairman, the following other Protestant clergymen having been present :—The Rev. Dr. Ryerson, Rev. Bishop Carman, Rev. Dr. Jennings, Rev. Dr. Snodgrass, Rev. Dr. Nelles, and Rev. J. Aubrey ; besides Archbishop Lynch and several lay gentlemen. In this minute it is stated that the Council had "laid down the principle which precludes the introduction into text books used in Public Schools of religious dogmas opposed to the tenets of any Christian denomination," and had "removed from those text books everything which had been pointed out to them by the Roman Catholic Archbishop of the Province as offensive to the feelings of Roman Catholics."

So much for Roman Catholic influence in respect to the text books used in our Public Schools.

ANOTHER MISREPRESENTATION EXPOSED.

To fan the flame of religious animosity in view of the approaching elections, another story has been propagated which I believe first appeared in this form :—"It is worthy of note in this connection that Mr. Ross actually engaged a Roman Catholic gentleman to write the history of England and Canada that he intended to authorize for use in the Public and High Schools of Ontario. He has not yet issued the book, but he had to pay an honorarium for it out of public money." Subsequently it was stated that Mr. O'Sullivan, the Toronto barrister, was the Roman Catholic gentleman referred to ; and another hostile journal added to the story as first told the assertion that "there is now in the hands of the Education Department the manuscript of a history prepared by him for our schools," and it was intimated that we "dared" not publish it.

Now, every word of these statements is false. The only history of England and Canada which has been prepared at the instance of Mr. Ross, or the Education Department, is the history by Mr. Mercer Adam and Mr. W. J. Robertson, both of them Protestants. It is untrue that Mr. Ross engaged Mr. O'Sullivan, or any other Roman Catholic gentleman, to write a history of England and Canada, or of either England or Canada. It is untrue that there is now, or ever was, in the hands of the Education Department the manuscript of a history prepared by him for our schools. It is untrue that Mr. Ross, or anybody else, had to pay an honorarium for the book out of public money, or any other money, or that any honorarium was paid. The whole story is pure invention. Mr. O'Sullivan is the author of a useful non-sectarian book on the "Constitution of Canada," which was published some seven years ago, and was afterwards adopted by the Law Society as a text-book, but has not been adopted by the Minister of Education for any purpose. Has the No Popery story been manufactured out of these circumstances ? The manufacture required considerable boldness, if not much ingenuity.

SEPARATE SCHOOL PROPERTY.

Another false charge is, that Separate School property is vested by law in the Church, and not in the school trustees. The fact is, that the

Separate School law has precisely the same provisions on the subject as the revised Public School Act of 1877, ch. 204, sec. 102, Nos. 6, 7, with the verbal changes necessary to adapt these provisions to Separate Schools is as follows:—

"(16) Every board of such trustees shall take possession and have the custody and safe keeping of all school property which has been acquired or given for school purposes; and may acquire and hold as a corporation, by any title whatsoever, any land, movable property, moneys, or income given or acquired by the board at any time for school purposes, and shall hold or apply the same according to the terms on which the same were acquired or received; and may dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; and convey the same under their corporate seal, and apply the proceeds thereof to their lawful school purposes, or as directed by this Act." (49 Vict., c. 46, sec. 29, sub-sec. 16.)

So much for another misrepresentation.

CONCLUDING REMARK.

On the whole I affirm that in all these matters nothing has been done which would not have been done were no Roman Catholic votes to be considered; that there has been no truckling or yielding whatever to Roman Catholic influence, and that under the present Government Protestantism is not in danger, whatever it might be if this Government were succeeded by a Government satisfactory to Sir John Macdonald and his party, who, for thirty years or more, have been leaning on Catholic support, and now, in Ontario, adopt the *rôle* of insulting Roman Catholics and endeavouring to excite against them the Protestant feeling of the country. Let no Reformer allow himself to be deceived.